

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FIFTH THIRD BANK,

Plaintiff,

Civil Action No.  
09-CV-13137

vs.

PAUL G. SIEBEN,

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Defendant.  
\_\_\_\_\_/

**ENTRY OF FINAL JUDGMENT IN FAVOR  
OF PLAINTIFF AND AGAINST DEFENDANT**

This is a breach of contract case. On November 30, 2009, Plaintiff filed a Motion for Summary Judgment seeking a judgment against Defendant in the amount of \$3,242,832.02. *See* docket entry 8. On December 8, 2009, the Court issued a briefing schedule in which it ordered that Defendant's response is due by December 21, 2009, and that Plaintiff's reply is due by January 4, 2010. *See* docket entry 9. The Court is currently scheduled to hear oral argument on January 20, 2010.

Defendant, who is represented by counsel, has neither filed a response in opposition to Plaintiff's Motion for Summary Judgment nor has sought an extension of time to do. Accordingly, on January 7, 2010, more than two weeks after the expiration of the response deadline, the Court issued an order requiring Defendant to "show cause why the Court should not summarily enter judgment in favor of Plaintiff." *See* docket entry 11. The Court expressly warned that "[s]hould Defendant fail to comply with [the show cause] order, the Court will cancel the upcoming hearing

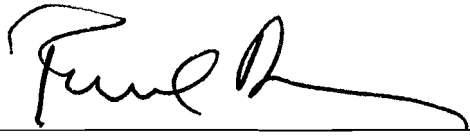
and enter judgment in favor of Plaintiff and against Defendant in the amount sought.” *Id.*

Defendant has not responded to the Court’s show cause order and the time to do so has expired. Accordingly,

IT IS ORDERED that judgment is entered in favor of Plaintiff and against Defendant in the amount of \$3,242,832.02.

IT IS FURTHER ORDERED that the hearing currently scheduled for January 20, 2010, is cancelled.

Dated: 1-15-10  
Detroit, Michigan

  
\_\_\_\_\_  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE